



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

OFFICE OF EMERGENCY MEDICAL SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

[www.nj.gov/health](http://www.nj.gov/health)

RICHARD J. CODEY  
*Acting Governor*

FRED M. JACOBS, M.D., J.D.  
*Commissioner*

October 7, 2005

Mr. Kayron Davis  
Rapid Respond Ambulance and Invalid Coach  
371-375 Central Avenue  
Newark, NJ 07103

Re: **Notice of Proposed Assessment of Penalties:**  
**Mobility Assistance Vehicle Service Provider**  
Investigation Control #05-B-009

Dear Mr. Davis:

The New Jersey Department of Health and Senior Services is vested with the responsibility of carrying out the provisions of the Health Care Facilities Planning Act (N.J.S.A. 26:2H-1, et seq.) which was enacted, in part, to ensure that hospital and related health care services rendered in New Jersey are of the highest quality. As defined at N.J.S.A. 26:2H-2b, health care services include pre-hospital basic life support ambulance services. In addition, in accordance with §6.4 and §6.6 of the New Jersey Medical Assistance and Health Services Act (N.J.S.A. 30:4D-1 et seq.), this Department is responsible for the development of minimum licensure requirements concerning the equipment, supplies and vehicles of providers of mobility assistance vehicle services. I apologize for the delay in this notice.

Furthermore, N.J.S.A. 26:2H-5 grants the Commissioner of Health and Senior Services the power to inquire into health care services and to conduct periodic inspections with respect to the fitness and adequacy of the equipment and personnel employed by those services. As such, in furtherance of each of the aforementioned statutory objectives, the Department of Health and Senior Services adopted regulations that govern the licensure and inspection of ambulance and mobility assistance vehicle service providers and their vehicles. Those regulations are set forth in their entirety at N.J.A.C. 8:40-1.1, et seq.

On November 8, 2004, at approximately 1:55 p.m., staff of the Office of Emergency Medical Services (OEMS) conducted an unannounced vehicle inspection of Rapid Respond Ambulance vehicle number 05, New Jersey license plate number XB924P, while in the Bloomfield, New Jersey area.

The spot check revealed the following violations:

1. Upon request from OEMS, the crew member could not produce a valid CPR course completion card, MAVT/PAT certification card and a valid New Jersey Drivers license;
2. The vehicle's registration card was missing from the vehicle;
3. The vehicle's front license plate was missing from the vehicle;
4. The vehicle had uneven wear and balding tires;
5. The vehicle lacked a recognition number;
6. The vehicle's license plate did not match the recorded license plate number on file in OEMS for vehicle number 05;
7. The Motor Vehicle Inspection sticker had an expiration date of September, 2004;
8. The vehicle lacked a flashlight;
9. The vehicle's fire extinguisher was lying on the floor unsecured; and
10. The vehicle had no CPR mask.

As you should know:

N.J.A.C. 8:40-2.5(h) states, "Once licensed, it shall be the provider's responsibility to notify the Department of any change of trade name, license plate or vehicle recognition number and to provide appropriate documentation as may be required by the Department. The Department shall charge a nonrefundable fee of \$250 to process a change of trade name for a provider license where no change of ownership has occurred. The Department shall charge a nonrefundable fee of \$20 per vehicle to process a change of trade name, vehicle license plate or vehicle recognition number for a vehicle license. Revised vehicle licenses shall be issued only for the vehicle that bears the exact same manufacturer-issued vehicle identification number (VIN)."

N.J.A.C. 8:40-4.1(e) states, "Each crewmember shall possess and shall make available to Department staff upon demand, certification for the type or level of patient care he or she is providing. No person shall be allowed to provide a type or level of patient care beyond the level he or she is lawfully eligible to provide in the State of New Jersey. In addition, each crewmember shall, upon request by Department staff, produce a photo I.D. that Department staff may utilize in order to verify the validity of the required certification credentials."

N.J.A.C. 8:40-4.3(a) states, "Each MAV and BLS ambulance shall be registered,

maintained and operated in accordance with N.J.S.A. 39:1-1 et. seq.”

N.J.A.C. 8:40-4.3(b) states, “Vehicles registered as a motor vehicle in New Jersey shall display a valid motor vehicle inspection decal issued by the New Jersey Motor Vehicle Commission (NJMVC). The vehicle shall only be utilized to provide service after it has successfully passed all motor vehicle tests conducted by the NJDMV or an authorized re-inspection station. No vehicle shall be utilized to provide services while it bears a voided, expired or "Rejected" NJMVC sticker.”

N.J.A.C. 8:40-4.4(h)1 states, “Each vehicle shall be equipped with the following minimum safety equipment: One flashlight, two D-cell size or larger.”

N.J.A.C. 8:40-4.4(h)2 states, “Each vehicle shall be equipped with the following minimum safety equipment: One fire extinguisher, U.L. rated at least 2A 10BC or 3A 40BC. The extinguisher shall have a valid inspection tag indicating that it is fully charged. The fire extinguisher shall be securely mounted in a bracket on the wall, floor or ceiling.”

N.J.A.C. 8:40-4.7(c) states, “Tires shall be appropriate for the Gross Vehicle Weight of the vehicle and shall not be damaged or have excessive tread wear. Radial and non-radial tires shall not be mixed on the vehicle.”

N.J.A.C. 8:40-4.7(g) states, “The provider shall, with the approval of the Department, permanently assign a unique non-duplicated recognition number to each vehicle. The recognition number shall consist of at least one, but not more than six, characters. For the purpose of this paragraph, a character shall mean an Arabic number, an Arabic letter, a space or a dash. At least one of the characters in the recognition number shall be either an Arabic letter or Arabic number.

N.J.A.C. 8:40-5.5(b) states, “Each vehicle shall have a pocket-mask device, CPR mask, with a one-way valve or some other approved barrier protection device for utilization in the event that CPR is performed on a patient.”

Pursuant to N.J.S.A. 26:2H-14, the Department may impose a penalty of not more than \$5,000 per day for each day that a licensee is in violation of any regulation which pertains to the care of patients or health care facility standards. N.J.A.C. 8:40-7.2(c) states, “Violation of any portion of N.J.A.C. 8:40 by a provider may be cause for action against the provider, including, but not limited to, suspension or revocation of a provider’s license, a formal written warning, monetary penalty, placing the provider’s vehicle in “Department-Initiated-Out-of-Service” (DIOOS) status, placing of conditions for continued operation by the provider and/or refusal to issue or renew a license.”

Therefore, in accordance with N.J.S.A. 26:2H-14 and N.J.A.C. 8:40-7.2(e)5, the Department is holding Rapid Respond Ambulance and Invalid Coach responsible for the aforementioned deficiencies. As such, in accordance with N.J.A.C. 8:40-7.2(e)9 you are hereby assessed a penalty in the amount of \$250 for violation of N.J.A.C. 8:40-

4.1(e), a penalty of \$250 for violation of N.J.A.C. 8:40-4.3(a), a penalty of \$250 for violation of N.J.A.C. 8:40-4.3(b), a penalty of \$250 for violation of N.J.A.C. 8:40-4.4(h)2, a penalty of \$250 for violation of N.J.A.C. 8:40-4.7(c), a penalty of \$250 for violation of N.J.A.C. 8:40-4.7(g) and a penalty of \$250 for violation of N.J.A.C. 8:40-5.5(b). In addition, you are also hereby issued a formal warning for violation of N.J.A.C. 8:40-2.5(h) and N.J.A.C. 8:40-4.4(h)1.

A certified check or money order in the amount of \$1,750, made payable to "Treasurer, State of New Jersey," must be submitted within 30 days from the date of this Notice. In accordance with N.J.S.A. 26:2H-16 and N.J.A.C. 8:40-7.2(e)9, failure to pay this penalty may result in a summary civil proceeding in the Superior Court of New Jersey pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-1, et seq.), refusal by the Department to issue or renew a license and/or any such other action as authorized by law. Payment should be forwarded to:

New Jersey Department of Health & Senior Services  
Office of Emergency Medical Services  
P.O. Box 360  
Trenton, NJ 08625-0360  
Attn: Ms. Karen Halupke, Director

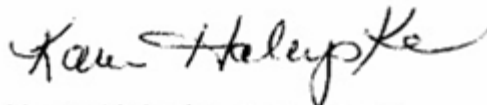
Pursuant to N.J.S.A. 26:2H-13 and N.J.A.C. 8:40-2.15, you are entitled to a hearing before the Office of Administrative Law to contest this proposed penalty assessment. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the deficiencies noted above. In the event that you request a hearing, this penalty shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered. Your request for a hearing must be submitted within 30 days from the date of this Notice, and should be forwarded to:

New Jersey Department of Health & Senior Services  
Office of Legal & Regulatory Affairs  
P.O. Box 360, Room 805  
Trenton, NJ 08625-0360  
Attn: Ms. Michele Stark

Please include the following control #05-B-009 on all of your correspondence. **Finally, please note that failure to submit a request for a hearing within 30 days from the date of this Notice shall render this Notice final, and the entire \$1,750 shall be immediately due and payable.**

If you have any questions concerning this matter, please do not hesitate to contact Samuel Stewart, Esq. at (609) 633-7777.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Halupke". The signature is fluid and cursive, with the first name "Karen" written in a larger, more prominent script than the last name "Halupke".

Karen Halupke, R.N., M.Ed  
Director, Emergency Medical Services

c: Dave Gruber, Assistant Commissioner  
Michele Stark, L&RA  
Chuck McSweeney, OEMS  
Sam Stewart, Esq., OEMS

**VIA REGULAR MAIL AND  
CERTIFIED MAIL #7002 2410 0003 3470 6412  
RETURN RECEIPT REQUESTED**